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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,746	11/17/2003	Henry Bourgeois	A317498.2US	3351

7590 08/11/2004

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EXAMINER

LEE, JONG SUK

ART UNIT PAPER NUMBER

3673

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/714,746

Applicant(s)

BOURGEOIS, HENRY

Examiner

Jong-Suk (James) Lee

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/17/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 7, 10-12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDermid (US 1,073,614) in view of Hedstrom (US 2,333,930).

McDermid discloses a pile splice comprising of a section of pipe (10), which is cylindrical, having a continuous sidewall and a hollow bore, the section of pipe having a pair of opposing slots through the side wall, a bar (17, 22) having a lengthwise dimension, a first end of the bar having a first cut/thread and a second end of the bar having a second bar/thread, the bar passing through the opposing slots (see Figs. 1-2; pg. 1, lines 27-75).

However, McDermid fails to disclose or fairly suggest the first and second ends of the bar, respectively having an upper retaining member and a first lower retaining member.

Hedstrom discloses a rivet construction, the rivet comprising an end cut and having a plurality of upper retaining members and a plurality of lower retaining members (see Fig. 14), the upper retaining members bent upward against an outer surface and the lower retaining members bent downward against an outer surface and the upper retaining members of the first end being

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opposite to the lower retaining members of the second end, both upper and lower retaining members in the first or second end of the bar having an equal width (see Figs. 14-18; pg.3, lines 20-75; pg.4, lines 1-69).

Therefore, in view of Hedstrom, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the first and second ends of the bar of McDearmid by replacing with the upper and lower bendable retaining members in order to easily install the bar to the splice member.

3. Claims 4, 5, 8, 9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDearmid (US 1,073,614) as modified by Hedstrom, as applied to claim 1 and 10, respectively, and further in view of Ferguson et al (US 2,222,481). The teachings of McDearmid modified by Hedstrom have been discussed above.

However, the teachings of McDearmid modified by Hedstrom fails to disclose or fairly suggest the bar being flat configuration. Ferguson et al discloses a column splicer comprising of a section of pipe and a flat crossing plate/bar (10) being connected to the side wall of the pipe section (see Fig. 7) (see pg.1, lines 28-55).

Therefore, in view of Ferguson et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the bar of McDearmid as modified by Hedstrom, by replacing with the flat configuration in order to better fit to the connecting surface of the pile in both top and bottom sections.

With respect to the dimension of the flat bar, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such dimension according to the desired size of the pile and the strength of the connection.

***Conclusion***

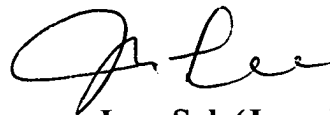
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references cited disclose a pile connector and method of installation, Drive fit coupling for precast concrete piles and a timber pile connector.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Lee /jjl  
August 7, 2004



**Jong-Suk (James) Lee  
Primary Examiner  
Art Unit 3673**